

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

EDDIE TARDY, individually and as)
Administrator of the Estate of)
LAEDDIE COLEMAN,)
)
 Plaintiff,)
)
v.)
)
CORECIVIC OF TENNESSEE, LLC,)
et al.,)
)
 Defendants.)

No. 1:23-cv-01202

**JOINT MOTION TO CONTINUE HEARING ON DEFENDANTS' EMERGENCY
MOTION TO SET ASIDE COURT ORDER (ECF NO. 124) AND FOR ENTRY OF
PROTECTIVE ORDER**

Plaintiff Eddie Tardy, individually and as Administrator of the Estate of LaEddie Coleman, and Defendants CoreCivic of Tennessee, LLC, Vincent Vantell, Chance Leeds, Carlisa Byars, Keith Huggins, and Hardeman County, Tennessee, ("Defendants"), jointly move the Court to continue the May 16, 2024, hearing on Defendants' Emergency Motion to Set Aside Court Order and for Entry of Protective Order. As grounds for this Motion, the parties state as follows:

1. CoreCivic Defendants filed a motion for entry of protective order. (ECF No. 40). Plaintiff opposed the motion. (ECF No. 46).
2. CoreCivic Defendants' proposed protective order addressed both the handling of confidential records during the course of litigations and also the handling of confidential records after the conclusion of litigation. (ECF No. 40-1). In relevant part, the proposed order prohibited the disclosure of confidential material to any person or entity other than limited enumerated exceptions. (*Id.* ¶ 5). Further, the proposed order

provided that the order “shall be binding after the conclusion of the litigation” and required the party in possession of the confidential material to “destroy [confidential] discovery, documents, or materials” within sixty (60) days of the conclusion of litigation. (*Id.* ¶ 12).

3. Because Plaintiff opposed the motion and the Middle District wished to move the case forward while it considered Defendants’ motion, the parties jointly moved for the entry of a temporary protective order. (ECF No. 63). The Court granted the parties’ motion, and Defendants produced confidential records, including the aforementioned security footage to Plaintiff, subject to the protections of the temporary protective order. (ECF No. 65).
4. Notably, the temporary protective order only remained in effect pending the Court’s adjudication of “CoreCivic’s motion for a permanent protective order.” (ECF No. 65).
5. Subsequently, the parties mediated this case and reached a tentative agreement. (ECF No. 122). Because the Decedent’s beneficiary is a minor, the parties’ filed a petition for minor settlement approval in Davidson County Circuit Court. (*Id.*).
6. On May 9, 2024, the court denied without prejudice Defendants’ motion for protective order as moot. (ECF No. 124). On the same date, CoreCivic Defendants filed an emergency motion to set aside this Court’s order and for entry of protective order. (ECF No. 125).
7. The Court set Defendants’ motion for hearing on May 16, 2024. (ECF No. 126).
8. Since this Court set Defendants’ motion for hearing, the Davidson County Circuit Court held a hearing on the minor settlement on May 10, 2024, and approved the minor settlement. A written order memorializing the court’s findings has not yet been entered,

however. The Court's order approving the settlement will become final 30 days after its entry.

9. In light of the settlement reached in the case, Plaintiff and Plaintiff's counsel agree not to disseminate the video footage and agree not to disseminate all other materials that were deemed confidential under the temporary protective order to any third party. Additionally, Plaintiff and Plaintiff's counsel agree to destroy all video footage and all material marked confidential in this case within fourteen (14) days after the May 10, 2024, minor settlement approval hearing.

10. Based on the Davidson County Circuit Court's approval of the minor settlement and Plaintiff's counsel's representations, Defendants no longer believe there is an emergent need for a hearing on their motion. In all likelihood, a hearing on Defendants' Emergency Motion will be unnecessary based on the above.

11. In the event that the minor settlement approval does not become final, Defendants will re-raise their motion and agree to reproduce the confidential materials to Plaintiff thereafter.

Based upon the above, the parties respectfully request this Court continue the hearing on Defendants' Emergency Motion. After the minor settlement approval becomes final, the parties will inform the court of the same. Based upon Plaintiff's counsel's representations that neither Plaintiff nor Plaintiff's counsel will disseminate confidential materials and his representation that all confidential materials will be timely destroyed, Defendants will then be in a position to withdraw their current Emergency Motion to Set Aside Court Order and for Entry of Protective Order and will timely do so.

Respectfully submitted,

/s/Daniel A. Horwitz (w/permission)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via US District Court ECF system upon:

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on or before the filing date thereof.

DATE: This the 13th day of May, 2024.

By: s/Nathan D. Tilly
Nathan D. Tilly